

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): James D. Curran, Esq. (SBN 126586) Shashauna Szczechowicz, Esq. (SBN 249102) Wolkin Curran, LLP 555 Montgomery Street, Suite 1100 San Francisco, CA 94111 TELEPHONE NO.: (415)982-9390 FAX NO.: (415) 982-4328 ATTORNEY FOR (Name): Plaintiff, Hartford Fire Insurance Company		FOR COURT USE ONLY <h1 style="text-align: center;">FILED</h1> <p style="text-align: center;">MAR 23 2011</p> <p style="text-align: center;">RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p>
NAME OF COURT: United States District Court, Northern District of California STREET ADDRESS: 1301 Clay Street, Suite 400 South MAILING ADDRESS: Oakland, California 94612 CITY AND ZIP CODE: Oakland Division BRANCH NAME:		
PLAINTIFF: Hartford Fire Insurance Company, a Connecticut corporation DEFENDANT: NBC General Contractors Corporation, a California Corporation; Monica Ung, an individual; and Dennis Chow, an individual		
EX PARTE <input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT) <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT (RESIDENT)		
		CASE NUMBER: CV 09-5363 SBA-DMR

1. The application and supporting declaration or affidavit of plaintiff (name): **Hartford Fire Insurance Company** for an ex parte ☒ right to attach order and order for issuance of writ of attachment ☐ order for issuance of an additional writ of attachment has been considered by the court.

FINDINGS

2. THE COURT FINDS

- a. Defendant (specify name): **Dennis Chow** is a ☒ natural person ☐ partnership ☐ unincorporated association ☐ corporation ☐ other (specify):
- b. The claim upon which the application is based is one upon which an attachment may be issued under Code of Civil Procedure section 483.010.
- c. Plaintiff has established the probable validity of the claim upon which the attachment is based.
- d. The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
- e. The amount to be secured by the attachment is greater than zero.
- f. The affidavit or declaration accompanying the application shows that the property sought to be attached, or the portions thereof to be specified in the writ, are not exempt from attachment.
- g. The portion of the property sought to be attached described in item 3b is not exempt from attachment.
- h. An undertaking in the amount of: \$ **10,000.00** is required before a writ shall issue, and plaintiff ☒ has ☐ has not filed an undertaking in that amount.
- i. Great or Irreparable Injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following:
 - (1) ☒ There is a danger that the property sought to be attached would be
 - (a) ☒ concealed.
 - (b) ☒ substantially impaired in value.
 - (c) ☐ made unavailable to levy by other than concealment or impairment in value.
 - (2) ☐ Defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010, subdivision (b)(2), as set forth in the affidavit or declaration filed in support of this application, which specifies the defendant's known undisputed debts and the basis for plaintiff's determination that the defendant's debts are undisputed.
 - (3) ☐ A bulk sales notice was recorded and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
 - (4) ☐ An escrow has been opened pursuant to the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant of a liquor license. The liquor license number is:
 - (5) ☐ Other circumstances (specify):
- j. ☐ A Right to Attach Order was issued on (date): pursuant to ☐ Code of Civil Procedure section 484.090 (on notice) ☐ Code of Civil Procedure section 485.220 (ex parte)
- k. ☐ Other (specify):

SHORT TITLE: Hartford Fire Insurance Company v. NBC General Contractors Corporation, et al.

CASE NUMBER:

CV 09-5363 SBA-DMR

ORDER

3. THE COURT ORDERS

- a. Plaintiff has a right to attach property of defendant (name): Dennis Chow

In the amount of: \$ 3,032,740.37

- b. The clerk shall issue ☒ a writ of attachment ☐ an additional writ of attachment In the amount stated in item 3a ☒ forthwith ☐ upon the filing of an undertaking in the amount of: \$
- (1) ☐ for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of the sale of such property, described as follows (specify):
- (2) ☐ for plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (specify):
- (3) ☐ for any property of a defendant who is not a natural person for which a method of levy is provided.
- (4) ☒ for property of a defendant who is a natural person subject to attachment under Code of Civil Procedure section 487.010 (specify): See Attachment 1.

- c. ☐ Defendant shall transfer to the levying officer possession of
- (1) ☐ any documentary evidence in defendant's possession of title to any property described in item 3b.
- (2) ☐ any documentary evidence in defendant's possession of debt owed to defendant described in item 3b.
- (3) ☐ the following property in defendant's possession (specify):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

- d. ☒ Other (specify): Hearing March 30, 2011, is hereby vacated.

- e. Total number of boxes checked in item 3: 3


Date:

03/23/11

JAMES LARSON

MAGISTRATE JUDGE

(TYPE OR PRINT NAME)



(SIGNATURE OF JUDGE OR MAGISTRATE JUDGE)

ATTACHMENT 1 -
as to Defendant Dennis Chow

1. Accounts receivable, chattel paper, and general intangibles arising out of the conduct by the defendant of a trade, business, or profession, except any such individual claim with a principal balance of less than one hundred fifty dollars (\$150) (CCP § 488.470);
2. Money on the premises where a trade, business, or profession is conducted by the defendant and money in deposit accounts (CCP § 488.535 and CCP § 488.455);
3. Negotiable documents of title (CCP § 488.445);
4. Instruments (CCP § 488.440);
5. Securities (CCP § 488.450);
6. Inventory (CCP § 488.395);
7. Final money judgments arising out of the conduct of trade, business or profession (CCP § 491.410);
8. Interests in real property except leasehold estates with unexpired terms of less than one year. (CCP § 488.315); and
9. Equipment (CCP § 488.375 and CCP § 488.385).